

REMARKS

Claims 1-4 are pending.

Claims 1-3 stand rejected for obviousness v. Hilton in view of Mochizuki and Childers.

Claims 1-3 stand rejected for obviousness v. Hilton in view of Mochizuki and Childers, in further view of Quingguo.

Claim 1 is currently amended to clarify differences between this application and the cited references so as to put the claims in condition for allowance.

In response to the Office Action:

Examiner's comments have been given careful consideration. Applicant believes that the combination of Hilton in view of Mochizuki and Childers does not meet the requirements for an obviousness rejection for the following reasons:

Regarding the rejection of claims 1-3 for obviousness v. Hilton in view of Mochizuki and Childers:

Obviousness rejection requires that the cited references, in combination, contain *all* of the elements and limitations of the instant invention. In addition there must be a "clear and particular" suggestion to combine the references in a manner that would produce the instant invention.

Applicant respectfully submits that the combination of Hilton in view of Mochizuki and Childers does *not* have all the elements and limitations of the instant invention, and therefore does not meet the threshold requirements for an obviousness rejection of the instant invention. For example:

The instant invention includes the following:

- a) a equilibration tube within the ink receptacle, having a bottom opening to the ink receptacle, and a top opening to the atmosphere; and

b) a retaining wall with a recess below the strainer support, adapted to receive refill ink.

Applicant respectfully submits that the combination of Hilton in view of Mochizuki and Childers has *none* of these elements and limitations. The Examiner has cited the Hilton ink cartridge as having an equilibration tube (previously called a siphon). Hilton *does not*; there is a probe 68, however, this is not part of the cartridge but a permanently attached "component of the ink jet printer" (col. 4, lines 15-18). Hilton shows a tube 104, also cited, which is connected to the probe(s) 68 and is also a component of the ink jet printer being connected between the "probe 68 and the print head for each color" (col. 6, lines 47-49). Applicant submits that the components cited by the Examiner are not even part of the ink cartridge of Hilton, and cannot possibly be obvious to the ink cartridge of the present invention.

Although the foregoing discussion has mirrored the Examiner's comments by focusing on Hilton, the combination of Hilton in view of Mochizuki and Childers does not add the elements noted above as missing in Hilton.

In addition, combination of Hilton in view of Mochizuki and Childers does not have a recess, below a strainer, adapted to receive refill ink when the cartridge is inverted.

Applicant respectfully submits that the combination of combination of Hilton in view of Mochizuki and Childers does *not* have all the elements and limitations of the instant invention, and therefore does not meet the threshold requirements for an obviousness rejection of the instant invention.

Reconsideration of the obviousness rejection of claims 1-3 is respectfully requested.

Regarding the rejection of claim 4 for obviousness v. Hilton in view of Mochizuki and Childers in further view of Quingguo:

Since a dependent claim by definition includes all the elements and limitations of the base claim, a dependent claim cannot be found obvious if the cited references do not contain *all* of the elements and limitations of the base claim. As this is the case noted

above, Applicant respectfully submits that claim 4 is not obvious v. combination of Hilton in view of Mochizuki and Childers in further view of Quingguo.

Reconsideration of the obviousness rejection of claim 4 is respectfully requested.

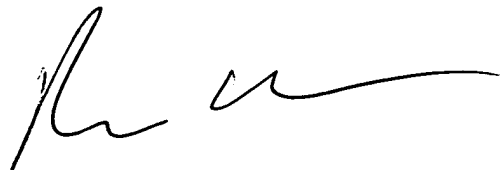
Applicant believes that this amendment answers all instances in which the Examiner rejected or objected, and that the amendment places all remaining claims in condition for allowance.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this application are in condition for issue. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (408) 358-0489.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ralph H. Willgohe', with a long horizontal flourish extending to the right.

Ralph H. Willgohe

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